

VIRGINIA IMPLEMENTATION MEDICAID-RELATED IMMIGRATION PROVISIONS EFFECTIVE JULY 1, 1997

Category	Status	Already in the U.S. on August 22, 1996	If Entry to the U.S. Occurred On or After August 22, 1996	
			<i>Benefits During First Five Years After Date of Entry</i>	<i>Benefits After Five Years from Date of Entry</i>
Qualified Aliens In the Following Three Categories				
Qualified aliens who meet one of the following "qualified" groups and who are honorably discharged veterans or active military of United States Armed Forces, their spouses and dependent children; certain American Indians	Exception	Full Benefits	Full Benefits	Full Benefits
Permanent Resident Aliens (Aliens lawfully admitted for permanent residence) who have worked 40 quarters, except Amerasians.	Qualified	Full Benefits	Emergency Services Only	Full Benefits
Permanent Resident Aliens (Aliens lawfully admitted for permanent resident) who have not worked 40 quarters, except Amerasians	Qualified	Full Benefits	Emergency Services Only	Emergency Services Only
Qualified Aliens In the Following Six Categories			<i>Benefits During First Seven Years After Date of Entry</i>	
Conditional Entrants -Aliens admitted pursuant to 8 U.S.C. 1153(a)(7)(section 203(a)(7) of INA	Qualified	Full Benefits	Emergency Services Only	
Aliens, including Cuban/Haitian entrants, paroled in the US pursuant to 8 U.S.C. 1182(d)(5) section 212(d)(5) of INA	Qualified	Full Benefits	Emergency Services Only	
Aliens granted asylum pursuant to section 208 of INA	Qualified	Full Benefits	Full Benefits	
Aliens admitted as refugees pursuant to section 207 of the INA or as Cuban or Haitian entrants (Section 501(e) of the Refugee Assistance Act of 1980), or Amerasians	Qualified	Full Benefits	Full Benefits	
Aliens whose deportation has been withheld pursuant to Section 243(h) of the INA	Qualified	Full Benefits	Full Benefits	
Battered aliens, alien parents of battered children and alien children of battered parents (must meet certain requirements).	Qualified	Full Benefits	Emergency Services Only	
Not Qualified Aliens				
Aliens residing in the US pursuant to an indefinite stay of deportation	Not Qualified	Emergency Services Only	Emergency Services Only	
Aliens residing in the US pursuant to an indefinite voluntary departure	Not Qualified	Emergency Services Only	Emergency Services Only	
Aliens who have filed an application for adjustment of status pursuant to §245 INA that the INS has accepted as properly filed and whose departure the INS does not contemplate enforcing	Not Qualified	Emergency Services Only	Emergency Services Only	
Aliens on whose behalf an immediate relative petition has been approved and their families covered by the petition who Aliens on whose behalf an immediate relative petition has been approved and their families covered by the petition who are entitled to voluntary departure under 8 CFR 242.5(a)(2)(vi) and whose departure the INS does not contemplate enforcing	Not Qualified	Emergency Services Only	Emergency Services Only	
Aliens who have filed an application for adjustment of status pursuant to §245 INA that the INS has accepted as properly filed and whose departure the INS does not contemplate enforcing	Not Qualified	Emergency Services Only	Emergency Services Only	

Category	Status	Already in the U.S. on August 22, 1996	Entered the U.S. On or After August 22, 1996
Not Qualified Aliens (Continued)			
Aliens granted stay of deportation by court order, statute or regulation, or by individual determination of the INS whose departure the agency does not contemplate enforcing	Not Qualified	Emergency Services Only	Emergency Services Only
Aliens granted voluntary departure pursuant to section 242(b) of the INA whose departure the INS does not contemplate enforcing	Not Qualified	Emergency Services Only	Emergency Services Only
Aliens granted deferred action status pursuant to INS Operations Instruction 103.1(a)(ii) prior to 6/15/84 or 242.1a22 issued 6/15/84 and later	Not Qualified	Emergency Services Only	Emergency Services Only
Aliens residing in the US under orders of supervision	Not Qualified	Emergency Services Only	Emergency Services Only
Aliens who have entered and continuously resided in the US since January 1972	Not Qualified	Emergency Services Only	Emergency Services Only
Aliens granted suspension of deportation pursuant to Section 244 of the INA and whose deportation the INS does not contemplate enforcing	Not Qualified	Emergency Services Only	Emergency Services Only
Any other aliens living in the US with the knowledge and permission of the INS whose departure the agency does not contemplate enforcing	Not Qualified	Emergency Services Only	Emergency Services Only
Ineligible Aliens			
Visitors, Tourists, Diplomats, Foreign Students, Temporary workers, if they meet Virginia residency requirements , etc.	Not Qualified	Emergency Services Only	Emergency Services Only
Illegal aliens - aliens not lawfully admitted for permanent residence or PRUCOL	Not Qualified	Emergency Services Only	Emergency Services Only
"Grandfathered Groups" - State Funded Benefits After June 30, 1997			
Noncitizens ineligible for Medicaid because of P.L. 104-193 who are under age 19 and would have been eligible for full Medicaid benefits if the alien requirements prior to passage of P.L. 104-193 were still in effect.	Not Applicable	Full Benefits	Full Benefits
Aliens receiving Medicaid on June 30, 1997, and residing in nursing facilities or participating in home and community-based waivers on June 30, 1997.	Not Applicable	Full Benefits	Full Benefits

File: aliens.doc
Date: September 8, 2003
Originator: Patricia Sykes